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**International Human Rights  
as a Social Problem**

by

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**INTERNATIONAL HUMAN RIGHTS AS A SOCIAL PROBLEM**

by  
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**The Human Rights Inquiry**

In the spring of 1989 I received a letter from a doctoral student in sociology at a university in New York State asking me for a bibliography of sociological writings on international human rights. She wanted to use it to persuade her professors that international human rights was an acceptable dissertation topic. Unfortunately, while international human rights is a burgeoning subject in other disciplines that could certainly benefit from more sociological analysis, I was not able to provide her with such a bibliography. This article, then, is a plea for more sociologists to engage in the study of international human rights, including the study of such major rights violations as state terror, genocide, and politicide (mass murders for political rather than ethno-religious reasons).

A standard definition of a human right is the rights one has simply because one is a human being. International human rights consist of those rights recognized in the United Nations' International Bill of Human Rights, which is comprised of the International Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966), and the Optional Protocol to the last-named document.

Civil and political rights include rights to life; nationality; recognition before the law; protection against cruel, degrading, or inhuman treatment or punishment; and protection against racial, ethnic, sexual, or religious discrimination. They also include such rights of due process as access to remedies for violations of basic rights; the presumption of innocence; the guarantee of fair and impartial public trials; prohibition of ex post facto laws; and protections against arbitrary arrest, detention or exile, or interference with one's family, home, or reputation. Democratic rights to freedom of thought, conscience and religion, opinion and expression, movement and residence, and peaceful assembly and association are also part of civil and political rights. Finally, political rights include the rights to take part in government and to periodic and genuine elections with universal and equal suffrage (but not to competitive multi-party elections). Economic, social, and cultural rights include the rights to food and a standard of living adequate for the health and well-being of oneself and one's family; the rights to work, rest and leisure, and social security; and rights to education and to participation in the cultural life of the community.



Since the late 1970's there has been a tremendous expansion in the number of books and articles in the field of international human rights. One reason for this expansion was President Jimmy Carter's (1977-81) decision to emphasize human rights in his foreign policy. Another was the burgeoning of the international human rights social movement, as exemplified especially by the expansion of Amnesty International, whose membership was over 700,000 in 1988. (Amnesty International 1988) Finally, many academics entering the profession in the mid-1970's had had experience in movements for civil rights and international development. As they began to receive tenure in the late 1970's and early 1980's, it became "safe" for them to turn their academic analysis to human rights, even though it was not a fully established subject of inquiry.

Those academics involved in the field are overwhelmingly lawyers, philosophers, and political scientists, the latter group including political philosophers, specialists in international relations, and some area specialists. Their approach to international human rights is heavily, though not completely, institutional. There is a tendency to focus on legal issues and international institutionalization of norms, especially in the United Nations and its affiliated organizations. The establishment of new norms, signing and ratification of treaties, and legal means of enforcing norms attract a great deal of attention. (Claude and Weston 1989) U.S. foreign policy is also a common topic. (Forsythe 1983, 1988) International relations specialists debate the efficacy and appropriateness of political intervention for humanitarian or human rights reasons. (Donnelly 1984) There is a growing literature describing the human rights situation in various countries. (Donnelly and Howard 1987) The methodological issue of how to measure and compare rights is also a subject of preoccupation, especially since the publication of a special issue of **Human Rights Quarterly** on this theme in November 1986.

Finally, there is a growing literature on the current political move in several Western countries, notably the United States, Canada, Norway, Finland, and the Netherlands, to include specific references to the human rights practices of other countries in foreign policy decision-making. Since 1981 the U.S. Congress has mandated that the Department of State produce annual human rights reports on all countries receiving foreign aid. By 1988 the mandate also included reports on all members of the United Nations and those few countries not members of the U.N.; that is, on virtually every country in the world except the U.S. itself. Although the U.S. reports have been criticized for bias, scholarly assessment of them indicates significant improvement throughout the 1980's, except regarding countries such as Nicaragua where the U.S. has a strong foreign policy interest. (de Neufville 1986; Maynard 1989) Since 1985 scholars from Norway, Canada and several other European states have been producing reports on aid-recipient countries. In 1987, human rights was officially included as a criterion in Canadian foreign policy decisions. (U.S. Department of State, annual; Nowak and Swinehart 1989; Canadian International Development Agency 1987) These human rights monitoring practices have in turn engendered theoretical and methodological debates about appropriate standards of comparison, how to measure trends of improvement or



deterioration, and how to establish relevant baselines of performance for each country. There is also a great deal of literature on how, or whether, U.S. policy is implemented in practice. (Cingranelli and Pasquarello 1985; Schoultz 1980-81)

Very few sociologists participate in this particular field of study. While human rights abuses are described and measures to promote human rights protection are proposed, there is a remarkable absence of analysis of why there are so many institutionalized violations of human rights, presumably as a matter of deliberate state policy. In the twentieth century, far more people (119 million) are estimated to have died at the hands of their own governments than have died as the result of war (35.7 million). From 1945 to 1980, perhaps twice as many people died as a result of genocide than as a result of war. (Rummel 1987; Fein 1990b) Violations of human rights -- genocide, state terror, arbitrary executions -- are life and death questions. They are common social phenomenon, identifiable historically as well as, tragically, in the contemporary era. (Chalk and Jonassohn 1990) They involve political, social, and social psychological questions (on the latter, see Staub 1989). They thus ought to be at the heart of sociological investigation, yet are almost entirely absent. In her review of the entire literature on genocide, Helen Fein concludes:

No stream of sociology or major theorist since 1945 has considered genocide focally, either to explain genocide or to consider its implications for theories of the state, of development, and of community and society. ... There is a similar paucity of social scientists who consider state violence, terror and repression or the development of human rights: social science most often glosses over blood and victims in an antiseptic abstraction ... (1990b, 32)

The reasons for the abuse of human rights are very complex. Sociologists, who investigate the inner workings of society as well as its formal political structure, are admirably suited to the task of investigating this complexity. What motivates scholars to enter this field, then, and why are sociologists absent?

Irving Louis Horowitz suggests that sociologists find issues of life and death too embarrassing to deal with. "Almost by definition that which is important is related to living and dying. ... On ... these issues many sociologists reveal a studied embarrassment, a feeling that intellectual issues posed in such a manner are essentially melodramatic and therefore unfit for scientific discourse." (1975, 73) In the contemporary Western world in which millions of private individuals attempt to ameliorate the suffering of victims of human rights abuses through their membership in non-governmental organizations such as Amnesty International, it is difficult to understand why sociologists in particular should find this suffering too melodramatic and embarrassing to be worthy of serious intellectual pursuit.

Perhaps sociologists are unable to exercise their sympathies for people with whom they have little in common. Peter Berger suggests that compassion is "the only credible motive for any actions to change the world." (1976, 256) Yet Lewis Coser has suggested that most individuals have only a limited "span of sympathy", that "distance, both geographical and cultural, affects the sense of sympathy and identification." (1969, 104-5) Most, if not all, of the scholars working in the human rights area are compassionate people with a deep ethical commitment to human rights. They are not disinterested; they do want to change the world and make it a more humane place. The ground level research on causes and effects of human rights abuses that sociologists might conduct would require them to stretch and engage their sympathies and compassion in a manner that might deter some from entering the field.

Yet thousands of sociologists actively engage their compassion in their analyses of many other social problems, both in North America and abroad. Deeper reasons for the absence of sociologists from the study of international human rights must, therefore, exist. I suggest that these reasons are both organizational and intellectual, and reflect some fundamental weaknesses of our discipline as a genuinely scholarly pursuit.

### **Specific Issues of Sociological Interest**

A wide variety of standard topics of sociological analysis is debated in the international human rights literature, often on purely ethical or policy-oriented grounds with inadequate sociological understanding of how human societies form and change.

Perhaps the most fundamental question is whether human rights, a concept originating in Western capitalist society, has any applicability to the "Second" (socialist) and "Third" (less developed) worlds. This debate requires serious analysis of whether and in what respects societies at different stages of economic development and under different political regime types are comparable. The popular movements for human rights that precipitated the rapid overthrow of Communist regimes in Eastern Europe in 1989-90 have effectively put paid to the argument, formerly expounded at great length by quasi-official spokespersons of Communist regimes, that human rights are bourgeois creations unnecessary to socialist societies, although some socialists from underdeveloped areas still make that argument. More seriously, many scholars believe that to promote human rights standards in the Third World without a contextual understanding of colonial history and unequal power relations in the present world economy could be taken to be a form of ideological imperialism. The collective rights to self-determination and control over a country's own resources are seen as better paths to justice than individual human rights that protect people against their own state and society. (Shepherd 1990)

A related debate that engaged much early attention concerned the relative priority of types of rights in underdeveloped societies, especially whether the institutionalization of civil and political rights should precede, coincide with, or follow policies of economic growth and development. (Howard, 1983) Some Third World political leaders used the



argument that civil and political rights must be postponed until a prosperous level of development has been reached to justify abuses of human rights on national security grounds. Until the events of the late 1980's put paid to their claims of a superior economic and welfare system, Soviet Bloc representatives also routinely put forth this view. This debate has lately been temporarily resolved by an institutional consensus in the United Nations propounding the "indivisibility and interdependence" of all rights. But this consensus emerged largely for propaganda reasons, to demonstrate the commitment of all governments at least pro forma to the entire range of human rights.

Although this consensus evolved for political and diplomatic reasons, empirical evidence does suggest that it is a correct description of how rights-protective societies evolve. The two categories of rights, civil/political and economic/social/cultural, are indeed indivisible and interdependent. Without political rights such as freedom of speech, economic rights to welfare are easily abused. Conversely, in a society such as the United States where political rights are scrupulously preserved but economic rights are not acknowledged, political participation by the poor is almost meaningless. The interrelationship of various rights obliges us to look to historical sociology for guidance on how social movements sought, and political elites implemented, human rights during the period that Western capitalist societies were developing.

Another variant of the debate on whether "Western" human rights are applicable elsewhere concerns the nature and moral worth of culture. Cultural relativism is frequently advocated in terms suggesting an inadequate sociological understanding of how culture is created and changed. Some authors view culture as a unitary, unchanging whole unaffected by the interests of the various groups that make up a society. (Pollis and Schwab 1980; Renteln 1990) The politicized use of culture, or the means by which high-status cultural insiders can manipulate symbols of group allegiance to their own advantage, is overlooked. (Howard 1986b, 1990) Such commentators implicitly assume that culture is a supreme good and that introduction of individual human rights can damage it irreparably. Thus, they believe that the only international human rights should be those universally recognized as ideals of justice within indigenous cultures. Any change that these indigenous cultures undergo is viewed as nefarious and externally generated. Cultural diffusion, the process by which aspects of outsiders' cultures are voluntarily adopted, is confused with cultural compulsion of the kind associated with Christian missionaries and colonial officials of former times. Thus any encounter with the "Western" ideology of human rights, even in a non-coercive manner, is an illegitimate incursions in the holistic cultural unity of a group.

Comparisons of cultures frequently disregard levels of economic development or gross indicators of social change such as degrees of urbanization or secularization. "Cultures" are attributed en bloc to entire geographic areas (e.g. the "Asian" or "African" concepts of human rights) or to entire religious groups. And comparisons are made between different areas or religions at different points of sociological time. Thus, for example, we encounter specious contrasts of "Muslim" with "Western" cultures, as if



neither has the capacity to change or has already done so, and as if the entire Muslim way of life can or will be contaminated by the slightest contact with Western society. (Said 1980; for criticisms of this position by other authors from within the Islamic tradition, see An-Na'im 1990 and Tibi 1990) Appropriate comparisons, e.g. of Islam and Christianity in agricultural non-state societies, are rarely, if ever, made.

The realization that many cultures reject the individualism that human rights seems to imply, in favor of the community or collectivity, has generated a new academic and institutional debate on whether collective rights should be enshrined in the United Nations' human rights documents. (Berting *et. al.* 1990) Critics of the perceived individualist bias of human rights believe that they put an undue stress on individual wants and desires and that they undermine community relations. Although it is generally agreed that individualism is more prevalent in developed, "modern" than in "traditional" societies, the difference between these two types and the manner of social change of the last several centuries is inadequately theorized. "Traditional" (community-oriented) societies and "modern" (individualistic) societies are often seen as unchanging polar types, rather than as points on a continuum. Very little attention is paid to the processes of urbanization, secularization, and industrialization that have affected those societies still seen by many Third World participants in the human rights debate to be traditional. Rather, a crude ethical distinction is posited between modernity/individualism and traditionalism/communitarianism.

In this crude distinction the position is frequently put forth that human rights are better protected by community norms and allegiances than by the individual's rights to make claims against society and the state. All systems of social justice are perceived to be systems of human rights. One encounters, for example, defenses of the Hindu caste system, which is inherently inegalitarian, as a system of human rights, despite the obvious evidence to the contrary that the society is based a hierarchy of degrees of pollution. "It is quite clear that Hindu civilization had a well-developed system which guaranteed both the civil and political as well as the economic, social and cultural rights of the human being." (Khushalani 1983, 408; for a critique of this position see Donnelly 1989, chap. 7) Sociological analysis could elucidate the differences among systems of justice based on human rights and those based on other social norms.

As a result of the debates on cultural imperialism and the primacy of community over individual, there has been a new stress on group or cultural rights among human rights specialists, especially lawyers, since the mid-1980's. Sociologists could contribute to the debate about whether groups should have rights by considering relationships among different categories of people within groups, especially in homogeneous small-scale societies that are often taken to be models of non-contentious group living. They could also point out the serious consequences, such as exile or shunning, that await many individuals who commit deviant acts in such societies -- including acts such as refusing to marry the person chosen by one's kin, criticising one's local political leader, or demanding the right to attend university regardless of one's ethnic or caste status, that are



considered to be one's right under international human rights norms. The sociological literature on deviance and conformity, with its many insights into the social creation of the dignified human person who conforms to prescribed social norms, is almost entirely unknown in the human rights literature.

The crude dichotomy of traditionalism/communitarianism and modernity/individualism often also neglects the fact that within industrial societies there are competing strains of individualism and traditionalism, and that there are new forms of community and community obligation that transcend familial or clan ties. (Bellah *et al.* 1985) The view that human rights is inherently individualist and materialist, unconcerned with social or spiritual values, permeates much of the non-Western criticism of human rights. Many critics believe that Western society is far more atomized than it is; for example the 1989 President of the African Commission of Human and Peoples' Rights (the human rights commission of the Organization of African Unity) writes quite seriously that in the Western world "Once someone's ability to work has gone or he is no longer of benefit to economic production, he is sent to an asylum or an old folks' home to wait for death." (Nguema 1989, 17)

This tendency among Third World traditionalist critics of Western society to reject human rights intersects the communitarian strain in Western political thought. Presentation of idealized pictures of communitarian society reflects, in part, specific ideologies that are used to justify non-democratic politics. But it also reflects a nostalgia, found among Western as well as Third World academics, for a rural arcadia that never was. (Howard, 1991) Often in anti-colonialist or anti-imperialist discourse, it is assumed that the expansion of the West destroyed idyllically egalitarian, co-operative and redistributive pre-capitalist cultures. These mythical idyllic societies, it is contended, did not "need" rights because their abuse was unknown until Western corruption occurred. Hierarchical state systems, slave-holding societies, misogynistic cultures and warlike tendencies are disregarded. "The brutishness of most human societies in the past" has been ignored by generations of academics in the humanities and social sciences. (Chalk and Jonassohn, 5)

Many Western liberal academics, rightly conscious of the imperialist history of their own societies, hesitate to counter myths of the idyllic past with anthropological or historical evidence. And in some cases, Western scholars appear themselves to be victims of the myth of rural utopia. Marx's idiom of rural life is unknown in the human rights literature, displaced by the myth of the alienating, competitive, soul-destroying Western city. The realization that choice and independence might be preferred by Third World peasants is common now in literature on such topics as rural-urban migration or village development, but has not yet permeated the stereotypes of Western and non-Western society that are common in debates among lawyers, philosophers and political scientists interested in the international institutionalization of human rights norms.



My own views on the issues I have outlined above are fairly obvious from my presentation. But my purpose in this essay is not to persuade my sociological colleagues of my own position; it is rather to persuade them to interest themselves in the human rights literature and to enter its debates. In all of these debates, on the relationship between the individual and the group, on cultural relativism, and on Western cultural imperialism, analysis of social change is almost entirely missing. Countries, regions and religions are compared without attention to the underlying modes of production or forms of social and political organization. It is assumed that ideologies of social justice exist independently of social structure or politics, rather than as interactive reflections of them. Macro-sociological theories and descriptions of social change that constitute the bases for comparativist historical sociology have not yet permeated the human rights literature.

Social status and social class, like social change, are also by and large missing from the human rights literature. When they are noted, it is frequently merely to advocate abolition of status or class distinctions without consideration of their underlying social meaning or functions. The various bases of status distinctions, such as pollution taboos, free-slave gradations, military or political prowess, or degrees of wealth, are not investigated. Indeed, as I noted above regarding Hinduism, it is sometimes argued that such status gradations are themselves indigenous bases of human rights, allowing each person the rights due to him (rarely her) according to his station. Until very recent feminist interventions in the human rights literature (e.g. Bunch 1990), male-female differences were treated as unfortunate and unnecessary distinctions, with neither the material basis for male retention of superiority, nor the symbolic implications of women's subordinate status, taken seriously.

The role of the state, with its various degrees of coercion and legitimacy, is also inadequately theorized in the human rights literature, with the legalistic assumption sometimes made that mere statement of norms and creation of implementation procedures is sufficient, with political goodwill, to protect rights. The idea that the state might reflect class interests is almost heresy in the world of state-centered negotiation of human rights norms via the United Nations system. In much of the literature on United Nations human rights activities, descriptions of new conventions and resolutions are uninformed by consideration of their potential impact. This is not to suggest that such international norms have no significance whatsoever; they do serve as standard-setting devices and they frequently help to mobilize international public opinion. But the politics of state human rights policies is neglected in favor of this institutional, legalistic approach.

The academic study of international human rights, then, is one hardly touched by standard sociological concerns or assumptions. Philosophers debate ideal concepts of justice; legal scholars attempt to formulate rules for their implementation; and political scientists discuss how states obey or disobey such rules and what, if anything, the stronger powers should do to influence or coerce the weaker into obedience. Sociological analysis that might help to differentiate the possible from the impossible and the real from the ideal is absent from this discussion.



But if the discussion is so sociologically weak, why should sociologists care? Are there intellectual or ethical reasons for sociological interventions?

### **Sociologists' Neglect of International Human Rights**

The ideal of international human rights is one of an almost perfect world in which all individuals live free from starvation, fear and social degradation. This ideal is now adhered to in principle by almost all states. It reflects one powerful vision of the good and the ethical life.

As human rights are, above all, an ethical matter, it could be argued that sociologists have no legitimate interest in them. I will argue below that sociologists should interest themselves in ethical issues of concern to the societies they live in (in effect, the world society) and that failure to address questions of morality and justice removes sociologists from public debate at precisely a time when their empirical and theoretical knowledge could favorably influence public opinion. Sociologists' unwillingness to engage in such public debate leaves the field of social policy, including international policies to promote justice via human rights, to often theoretically less equipped or to self-interested players. In this section, however, I wish simply to note some possible objections to incorporating international human rights as a subject of sociological inquiry.

Theorists of social problems debate the ethics of independent identification of problems by sociologists. According to one view, it is not the role of the sociologist to identify elements of human social life or behavior that could result in dysfunction or disequilibrium; rather, the sociologist's role is merely to analyze such elements once they are identified by society at large. The sociologist ought to be value-free, not to impose his or her own standards of normal or deviant, problematic or non-problematic, on society. But, as Manis has pointed out, this approach relies on an unpredictable vox populi to identify problems, frequently perhaps too late for sociological research and analysis to inform public policies that could remedy whatever problem exists. (1973-74) Moreover, the vox populi is not synonymous with the vox justitiae. Majority rule or majority judgment can be unjust, hence democracies are based on norms of just behavior, entrenched in the rule of law, that the popular will cannot violate. The sociologist who abdicates his or her responsibility as a citizen to make informed judgments about values and justice renounces the scholar's ultimate purpose, to debate the nature of the good life and to resist political, institutional or popular impulses to deprive some people of it.

In the case of international human rights, however, sociologists do not need to debate the ethics of ethical involvement. The social problem already exists independent of their judgment. International human rights have already gone through the various stages of a social problem's career, "from gaining attention and legitimacy, to motivating action, to gaining acceptance as a problem, to becoming the focus of a solution." (Lopata 1984, 250) Attention and legitimacy followed the Western trauma of Nazism, which



motivated action in the United Nations toward formulating the International Declaration of Human Rights in 1948. World-wide, human rights is now a social problem engaging the attention of millions of actors. Solutions for violations of rights are sought in international fora, in regional and national courts, and within many national political regimes. For sociologists to engage in research and debate on international human rights questions in the decade of the 1990's, then, would merely be to follow the vox populi, not to lead it.

Such research is legitimate even in an environment that stresses value-neutrality. One does not need to adhere to the values of human rights to conduct research on them. One could take as one's intellectual objective proving the irrelevance of human rights to pre-literate societies, or to highly regimented societies such as China both imperial and communist. One could point out the Western origins of the concept of rights, the politicized environment in which rights became an international concern, elite manipulation of rights as an ideological symbol, or a host of other problematic aspects of the alleged international consensus of respect for human rights.

One good reason not to become involved in rights-related research does, in fact, exist. There are about 60 rights enunciated in the International Bill. They cover everything from protection against discrimination on gender-related or ethnic grounds to the right to work and the right to national self-determination. In effect, then, international human rights are a long list of dependent variables. They are not analytical variables but descriptions of access to a certain conception of economic, political, and social justice dependent on other economic, political and social conditions. Analysis of implementation or violation of the entire range of rights in any society requires a great deal of prior sociological understanding of how that society works. From the analytic point of view, human rights can be a messy business; sparsity, rigor and theoretical consistency may have to give way to the myriad independent variables that actually go into social conceptions of justice and their subsequent implementation, or lack thereof.

The payoff for such messy analysis is that sociologists would be engaged in debates about fundamental ethical issues. The conclusions these debates arrive at can and do affect international public policies, through the implementation and enforcement of international human rights norms, through the incorporation of human rights as a criterion in Western states' foreign policies, and through public persuasion. Although intellectual sparsity may be sacrificed, engagement in questions of macro-sociological significance is achieved.

But is the problem that human rights are dependent variables the real reason why sociologists avoid their analysis? More important, I believe, is the trend since the 1950's away from grand to middle or micro-level "theory". Randall Collins has noted the lack of intellectual innovation in so-called sociological metatheory since the 1960's if not before.

[M]etatheory ... has become quite repetitive. ... [I]t is basically a reflexive specialty, capable of making comments on other fields but dependent on intellectual life elsewhere that it can formalize and ideologize ... or critique ... . That is why so much of the intellectual work of today consists of commentaries on works of the past rather than constructions that are creative in their own right. (1986, 1343)

Sociology is intermeshed with ideology, in particular so-called Marxist or neo-Marxist versus functionalist ideologies. In the real world, ideologically-influenced academics affect public policies in often brutal fashion; witness the free-market Chicago-boy economists in Pinochet's Chile and the Paris-trained sociologist Pol Pot in Cambodia. In the discipline of sociology, ideologies buttress a pretence of intellectual innovation when in fact, adherents of the different camps talk across each other. International human rights cut across static ideological pictures of the social world, each with their own comforting beliefs in moral rectitude. No serious scholar of human rights can fail to note the brutalities that result from extremism in all ideological camps. Human rights theorists must approach anew the real world of state-sponsored mass murder, torture and artificial famine in which we live, as opposed to the ideological world of state-induced adherence to abstract principles, whether of racial purity, the free market, or dictatorship of the proletariat. Research on human rights demands that sociologists give up the ideological lenses through which they view the world. They must become theoretically creative and innovative.

Theories ought to be sets of logically consistent statements that are generalizable across space and time and have some predictive capacity. Theory should not be discrete sets of dead hypotheses generated by the sociological fathers, but a living capacity to integrate and extend knowledge. In our time, much teaching of theory is transmission of the history of sociological thought, while theoretical analysis consists of squeezing one's own data into one or other historical hypothesis. Yet supposedly discrete competing theories are frequently only partial layerings, none of which can provide a complete picture of human society and human social behavior. Micro or middle-level "theories" are often little more than new critical points pertaining to established literatures. Any new idea, however minuscule its import, is now called a theory, while major social problems go ignored and unanalyzed.

A fear of investigation of those many aspects of social behavior that are non-quantifiable accompanies the fear of indulgence in grand theoretical conceptions. In North America since the 1960's, sociology has become increasingly specialized, fragmented and oriented to quantification. Sociologists are, in Peter Berger's words, "technicians", who "pretend to ... describe existing social reality with pedantic precision ... and specifically refuse participation in any efforts to draw out the moral implications of their own analyses." (1976, 250) We have substituted for the objectivity of dispassionate analysis of the serious social problems of life and death the petty perfection of our technical skills.



As Paul Baran puts it, sociologists have become intellect workers rather than intellectuals. (1969) Influenced by the need to use or generate research data that are impeccably systematic, sociologists have become increasingly parochial. In Western societies, detailed sociological information is routinely collected by governments possessed of vast and coercive data-gathering powers. Where data are not available from the government, it is easier for sociologists to conduct research in our own country or home town, indeed in our own classrooms, than in other societies where we must endure the costs and aggravations of travel, training of assistants, underdeveloped infrastructure, and cultural misunderstandings. The result is that most information on international human rights protection and violation is collected not by academics trained in sampling or other techniques of research, but rather by non-governmental organizations such as Amnesty International, Human Rights Internet, Index on Censorship, the International Commission of Jurists, the Minority Rights Group or Article 19.

It is extremely difficult to quantify international human rights abuses. Those political regimes that are most violent and murderous are also those most closed to investigation and those most possessed of techniques of censorship. (Goldstein 1986) Open polities such as Canada and the United States frequently provide the investigator with far more information on human rights abuses than do repressive regimes. Human rights researchers, because of their obvious ethical mandate, are frequently denied research visas. In 1982-83 two countries denied me visas while three others subjected me to an extended research-clearance runaround, the negative outcome of which was obvious. (This was for research on my **Human Rights in Commonwealth Africa** (1986) which in the end was based entirely on documentary and secondary sources) In any case, no seriously violating regime will, for example, permit statistically impeccable random samples of populations of political prisoners, torture victims, or survivors of those who died from state-induced famine. The famine in the Ukraine in 1933 has only recently been acknowledged by Soviet authorities, enabling Soviet statisticians at last to join in debates over the number of dead. The capacity to make informed estimates of the number of victims of the state-induced famine in China in 1960-61 is still hindered by contemporary Chinese political realities.

Yet despite the difficulties of collecting data according to the rigorous canons of survey research, there is certainly room for quantitatively-oriented sociologists in the field of international human rights. Since 1986, as noted above, a great deal of attention has been focused by quantitatively-oriented social scientists on means of assessment and comparison of international human rights. One approach is to identify a short-list of key rights (Donnelly and Howard, 1988) and attempt to find data on their protection or abuse. A number of attempts have been made to quantify Amnesty International data and the data provided in the annual reports of the U.S. Department of State. (Fein, 1990a; Mitchell and McCormick 1988; Carleton and Stohl 1987) The field of quantitative human rights is now well established yet still small enough that it affords numerous opportunities to sociologists interested in the problems of working with incomplete, politically limited data.

Both quantitative and qualitative preoccupations of the human rights literature present a strong challenge to comparativist sociologists. Merely to compare two countries' human rights performances in a single year requires construction of a comparative methodology, as, even more so, does any attempt to trace trends in human rights protection or violation over time. Multiple comparisons require choices of key variables and manipulation of extremely unreliable data. Any worthwhile comparison, furthermore, will be historically grounded and will avoid choices of "apples and oranges", cases that do not make sense because of obvious and overwhelming differences such as levels of wealth or sophistication of political institutions. Comparative methodologies, moreover, are of direct policy relevance. Those Western governments that are seriously attempting to incorporate human rights criteria into their foreign policies are desperately in need of academic guidance on how to assess the less rights-protective societies they deal with, how to find baselines, measure progress and compare disparate social systems.

Finally, more important than the methodological challenge provided by the sociological study of international human rights is the theoretical. The interdisciplinary study of international human rights requires debate about the fundamentals of human thought and human community. It requires speculation about human "nature", about the evil that men and women do and the institutional measures required to control that evil. It requires consideration of what ordinary men and women in any society value as the good life; about commitments to self, family, community and country. It requires serious speculations about the nature of deviance, conformity and justice; about social principles of equity and fairness in the economic and political realms; about the sacrifices people will make to protect their beliefs and their societies even at the cost of their economic and physical well-being. This is the stuff of literature, ethics and politics; it should also be the stuff of sociology.

### **Sociological Withdrawal from Ethical Debate**

All too few modern sociologists have contributed to the study of international human rights violations. Among those whose writings pertain to international human rights, two particular themes are evident, namely commentary on Nazism and what might be called the "moral outrage" school of sociology. The post-war preoccupation with Nazism was unfortunately, if understandably, almost entirely limited to inquiry about the slaughter of the Jews. Nazism, however, cannot be adequately taught or understood if inquiry is too narrowly preoccupied with only the Jewish genocide, horrific as it was. Attention must be paid to the entire compass of Nazi ideology and practice, from killings of ethnically "Aryan" mental and physical "defectives" to imprisonment and murder of homosexuals and mass slaughter of Soviet prisoners of war. A few speculative sociological essays, such as Coser's "Visibility of Evil" (1969) and Hughes' "Good People and Dirty Work" (1962) have been written on how it was possible that the Nazi atrocities were tolerated by ordinary Germans and how similar atrocities in other situations might be tolerated by ordinary good people elsewhere. Helen Fein's Sorokin Award-winning **Accounting for Genocide** (1979) significantly advanced sociological understanding of



Nazism by quantitatively comparing the rates of extermination of Jews in countries under Nazi control and identifying the national variables (extent of pre-war anti-Semitism, the attitude of the dominant church) that affected such rates. A more recent sociological contribution to understanding the Holocaust, also extremely valuable, is Zygmunt Bauman's **Modernity and the Holocaust** (1989), which discusses the paradox that the mass murders arising in part from the anti-modernism of the Nazis were facilitated by the extremely modern processes of bureaucratic organization and distancing of the organizers from the objects of their policies. Until 1990 when Chalk and Jonassohn published their **History and Sociology of Genocide**, only two well-known sociologists, Irving Louis Horowitz (1980) and Leo Kuper (1981), had produced comparative volumes on genocide, a shockingly small number in comparison to the myriad volumes produced on social problems of far lesser relevance to the enormous scale of human suffering in the twentieth century.

It is also a sad commentary on the sociological profession that many of those who do study genocide are themselves members of, or in some way connected to, the victim groups. (Fein 1990b) This is not true of the human rights field in general, which tends to attract North Americans and Europeans of diverse backgrounds as well as international scholars who are usually interested in the philosophy or practice of human rights in their own countries or regions. It appears that among sociologists, the phenomenon of genocide is primarily of interest only to those whose families or co-ethnics have themselves been its victims. Thus we still await a sound sociological analysis in English of the genocide of the Romany people ("Gypsies") in Europe; meanwhile, a Romany scholar who is actually a professor of linguistics is obliged to bring the genocide of his people to public attention. (Hancock 1987: for a history of the genocide of the Rom see Kenrick and Puxon 1972; for one [rare] sociologist's work on the Rom see Trynauer in Chalk and Jonassohn 1990) Academic conferences on genocide and state terror tend to be attended by Jews, Armenians, and Ukrainians, as well as by more recent victims such as young scholar-activists of Cambodian origin. One wonders why it is that the rest of the academic world, in particular sociologists, is still so insensitive to this tragic twentieth century practice and so uninterested in the questions about human behavior that genocide raises.

The great classics of the inquiry into genocide, such as Arendt's **The Origins of Totalitarianism** (1973) and Milgram's **Obedience to Authority** (1974); and even more recent influential works such as Lifton's **Nazi Doctors** (1986), were and are written by scholars in other disciplines; in the case of the above references, by a political philosopher, a psychologist and a psychiatrist. In the new field of study of state terrorism, sociologists are, again, almost entirely absent. Ted Robert Gurr (1986), Barbara Harff (1986), Michael Stohl and George Lopez (1984; 1986), to mention a few prominent scholars in this field, are all political scientists.

Robert Jay Lifton has suggested that intellectuals are actually attracted to genocide. "Th[e] journey [to genocide] requires a kind of immersion in ideology with its promise

of a unified worldview and of knowledge put to passionate purpose, an immersion toward which the educated are especially inclined." (1986, 490) For many intellectuals, ideology far exceeds in value basic humanitarian ethics; purity has its attractions even when it calls for death. Peter Berger has argued that during the 1960s "an exceptionally arrogant 'ethics of attitude' took center stage in American politics", with the result that "there continues to be a widespread belief that questions of ethics are essentially questions of the inner purity of individuals." (1976, 249) While this may be a somewhat exaggerated view of the political ferment of the 1960's, the confusion of sociology with ideology does result in many scholars' being more interested in forcing their analyses into preordained and stiflingly unchanging "theoretical" categories, than in rethinking their basic ethical positions.

The second area of inquiry among those sociologists whose work intersects with the academic study of human rights is the moral outrage tradition. C. Wright Mills was one of the few modern sociologists who clearly addressed problems of overwhelmingly significant international concern. (1960) Barrington Moore, Jr. made his views on human nature and human need explicit in a 1970 essay. Against the specious relativism that holds that no sociologist ought to engage in ethical discourse, he argued:

Political and historical judgements would be necessarily arbitrary ... only if two conditions prevailed simultaneously. The first condition would be that moral preferences themselves were purely arbitrary, in the sense that there could exist no way of judging among them. Here the conception of the unitary nature of misery is helpful. It is, I believe, simply not the case that moral preferences are in fact purely arbitrary. The evidence is reasonably clear that human beings do not want a life of suffering, at least not for its own sake. Such evidence has led me to adopt as a working premise the moral position that human society ought to be organized in such a way as to eliminate useless suffering. (1970, 5)

Moore's later volumes continue this commitment to the alleviation of human suffering. In **Injustice** (1978), he considers what makes people angry, what they themselves consider unjust in social organization, and how individuals can develop the "iron in the soul" necessary to combat injustice. In his **Privacy**, an investigation into the sociological bases of individual privacy in various societies, he raises the question "whether there is any connection at all between physiological privacy and privacy in the sense of private rights against intrusive or unjust acts by public authorities." (1984, 276) Western society tends to stress personal privacy more than most others; Moore's question, therefore, goes to the heart of the debate about whether private, individual human rights are a cultural construct applicable only to Western society.

Peter Berger is not a sociologist whose tone is one of moral outrage, but his themes are ethical and reflect deep concern for the individual affected by rapid social change. Both in his **Pyramids of Sacrifice** (1976) and in **The Homeless Mind**, the



inquiry into the effects of modernity that he wrote with Brigitte Berger and Hansfried Kellner (1973), Berger has maintained a consistently humanistic stance toward sociology. In **Pyramids of Sacrifice** he proposes a "postulate of ignorance", a "calculus of pain", and a "calculus of meaning" as three principles that ought to guide those scholars hoping to make recommendations for development in the Third World. Reinterpreted, these postulates advocate modesty in recommendations, a constant awareness of the pain that sudden changes can cause, and deference to the meanings that individuals give to their own lives. Within the constraints of this modesty, Berger advocates a "hard-nosed utopianism" that seeks a better society but not at the social cost imposed by many ideologically-based programs for social betterment. (1976, xiii-xiv)

The nature of the good life is then a question par excellence for sociologists possessing the intellectual courage and integrity of a Mills, a Horowitz, a Kuper, a Moore or a Berger. But they are all scholars of an older generation. The current generation of tenured middle-aged sociologists does not appear to be generating their replacements. Humanistic sociology in North America has been declared dead. It is too "soft", non-quantitative and muddled with ethical judgments to advance competitive careers in the myriad sociological sub-specialties removed from grand visions of the good and the just. That iron in the soul necessary to stand up and be counted in the larger world of ethical debate is sadly lacking among contemporary sociologists. Tenure, which was designed originally to provide scholars the security to propose new questions, to query accepted truths, and to contemplate ethics unafraid of political recrimination, has become a union tool for security of employment as one plays the numbers games of publications and grants. Value-free sociology has become ethics-free sociology, and the discipline itself almost entirely irrelevant to discussion of the great tragedies of modern times.

### **Philosophical Timidity**

Horowitz refers to the "timidity" of contemporary American sociologists, even though they risk little in taking ethical positions. (1975, 74) In a continent in which the price of speaking out is low, we have far fewer courageous colleagues that we do where the price is extremely high. Under the cover of value-freedom, we cease to take positions on social problems of real, even overwhelming, concern to most of mankind.

In adopting their stance on the so-called fact-value dichotomy, many sociologists have been guided by Max Weber, who in his influential essay on "Science as a Vocation" asserted strongly that "politics is out of place in the lecture-room." But Weber also argued that "The primary task of a useful teacher is to teach his students to recognize 'inconvenient' facts -- I mean facts that are inconvenient for their party [ideological] opinions." Teachers, he asserted, should help their students "to gain clarity". (1946, 145, 147, 151) Sociologists of the 1990's will be unable to assist their students to gain clarity because they are unwilling to confront fundamental problems of international justice, morality and human rights. These fundamental problems, on which individuals brood and governments ponder, require direct confrontation of ethical dilemmas and the capacity to

see beyond one's own limited viewpoint to the wider social implications of one's research. They also require incorporation of the extremely unpleasant facts of modern social and political life into research and into the classroom.

The sociologist ought to be prepared to make ethical judgments of what is or is not a social problem. Such judgments should be based on his or her best sociological knowledge, derived from research and independent thought, of how just societies function. Failure to make such judgments leaves the field entirely to others, such as journalists, preachers or politicians, who are not necessarily as well equipped either empirically or theoretically. To make one's values known and then proceed with the most objective analysis possible is a better contribution to public life than to suppress one's values entirely. It is a mistake to assume that since we cannot be completely objective we should entirely avoid any instance of subjectivity. A better approach is to state one's philosophical and ethical principles at the outset, identify them as such, and then proceed with sociological analysis of how such principles are violated and how they might or might not be upheld in practice. Such ethical commitment is perfectly compatible with the detachment necessary for serious research. As scholars, we are capable of differentiating our ideals and hopes from the reality of the world surrounding us, and capable of understanding that inquiry stripped of illusion will enlighten more than enquiry burdened by naive predispositions.

Having identified social problems, sociologists should also concern themselves with proposing solutions. Such solutions should not be merely technocratic, nor should they be confined to contract research in response to specific queries from government agencies of more or less oppressive bent. Sociologists are equipped with both the empirical knowledge and the understanding of human social organization necessary to envisage new social arrangements. But such arrangements must be considered in an ethical fashion, with the costs to individual human beings the first and foremost consideration in any plan for change.

Academics in other disciplines routinely engage in such debates and in such prescriptive analysis. For example, very early in the evolution of the new literature on international human rights, the philosopher Henry Shue wrote a highly influential theory of human nature, disguised as a theory of basic rights. (1980) Scholars of religion feel free to evaluate competing ideals of rights, as does Max Stackhouse in his assessment of American, Marxist/socialist, and Indian ethical systems. (1984) Even economists consider questions of basic needs and basic rights; witness the plethora of articles on these subjects during the World Bank's push for a basic needs strategy of development in the 1970's. (e.g. Streeten 1980)

And finally, brilliant intuitive analyses of human nature are presented by such social commentators as Terrence Des Pres, who studied Jewish survivors of Nazi and Soviet camps. While sociologists themselves hesitate to refer to their own intellectual heritage as a means of engaging in serious debates about rights, needs and the nature of



human dignity, Des Pres relied in part on Erving Goffman's *Asylums* (1962), a classical sociological study of the dehumanizing influence of total institutions, even those with ostensible benign objectives. Des Pres argued

Dignity in its human context presupposes self-awareness and a deliberate resistance to determination by external forces. ... [M]ankind is life conscious of itself. ... Human beings need and desire to be part of a larger whole ... But just as much, men and women yearn for solitude, they struggle fiercely for an existence apart, for an integrity absolutely unbreachable. (1976, 238-40)

This is a theory par excellence of human nature. Right or wrong, it deserves debate, and it deserves debate by sociologists. From such theories of human nature are derived perceptions, prescriptions, religious rules, and political ideologies about what the good life is or ought to be.

None of the scholars or commentators mentioned above was afraid to consider the question of what the good life is, and what rights ought to be protected to ensure the good life. This is primarily an ethical question, yet sociological inquiry can help to ascertain what, in ordinary human wants and discourse, ethics is all about. Quantitative surveys can be and are devised to ask people what they would like in life, what they value, what they would like to see changed. Theories of socialization and the human group can inform debates about the tension between individual and community. Theories and empirical research on the state, its coercive powers, its ideological hegemony, and its ties to social elites of various kinds can inform public policy measures designed to protect human rights.

The great sociologists are those who think and write about ethical issues. Philosophical debates do not stymie them. It is time to transcend not only functionalism and positivism, but also the limited visions and questions of stultified Marxism. As the ideologized Marxist state disappears, sociologists too should discard their ideologies and turn their research to the basic needs for freedom, autonomy and respect which impel so many social movements in the modern world. As teachers, if not as writers, we all have an obligation to consider our ethical presuppositions and our underlying views of the nature of human beings and human society.

[T]he adherence to humanism, the insistence on the principle that the quest for human advancement requires no scientific or logical justification, constitutes what might be called the axiomatic foundation of all meaningful intellectual effort, an axiomatic foundation without the acceptance of which an individual can neither consider himself nor be thought of as an intellectual. (Baran 1969, 12)

The ethical timidity that pervades our profession renders us incapable of participating in that fundamental mission of the university, the humanistic desire to create a better world. Meantime, members of many other academic disciplines, as well as concerned citizens, journalists, preachers and politicians, take their citizens' right to debate the common good seriously, unrestrained by specious considerations of ethically neutral scholarship. The academic study of international human rights is a good way for sociologists to re-enter the world of public debate and to make serious contributions to the human good.



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